

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

THE HOLMES GROUP, INC.,	:	
	:	
	:	
Plaintiff,	:	Civil Action No. 05-CV-11367 REK
v.	:	(Alexander, M.J.)
	:	
WEST BEND HOUSEWARES, LLC and	:	
FOCUS PRODUCTS GROUP, L.L.C.,	:	
	:	
Defendants.	:	

**ANSWER TO FOCUS PRODUCTS GROUP, LLC'S COUNTERCLAIM**

Plaintiff The Holmes Group, Inc. (hereinafter "Holmes") files this Answer to Counterclaim filed by Defendant Focus Products Group, LLC (hereinafter "Focus") with each paragraph below corresponding to the same numbered paragraph of Defendant Focus' Answer to Complaint and Counterclaim.

For its response to the numbered paragraphs of Focus's Answer to Complaint and Counterclaim, Holmes states as follows:

**COUNTERCLAIM**

**The Parties and Jurisdiction**

**Holmes' Answer to Paragraph No. 1**

Admitted.

**Holmes' Answer to Paragraph No. 2**

Denied. Since the filing of the Complaint, Holmes has been acquired by Jarden Corp. through a newly formed wholly owned subsidiary JCS/THG, LLC, d/b/a The Holmes Group.

**Holmes' Answer to Paragraph No. 3**

Admitted.

**Holmes' Answer to Paragraph No. 4**

Admitted.

**COUNT I - Declaration of Invalidity of the '483 Patent**

**Holmes' Answer to Paragraph No. 5**

Holmes incorporates by reference its answers to paragraphs 1-4 set forth above.

**Holmes' Answer to Paragraph No. 6**

Admitted.

**Holmes' Answer to Paragraph No. 7**

Denied.

**Holmes' Answer to Paragraph No. 8**

Denied.

**Holmes' Answer to Paragraph No. 9**

Denied.

**COUNT II - Declaration of Noninfringement of the '483 Patent**

**Holmes' Answer to Paragraph No. 10**

Holmes incorporates by reference its answers to paragraphs 1-4 set forth above.

**Holmes' Answer to Paragraph No. 11**

Admitted.

**Holmes' Answer to Paragraph No. 12**

Denied.

**Holmes' Answer to Paragraph No. 13**

Denied.

**COUNT III - Declaration of Invalidity of the '855 Patent**

**Holmes' Answer to Paragraph No. 14**

Holmes incorporates by reference its answers to paragraphs 1-4 set forth above.

**Holmes' Answer to Paragraph No. 15**

Admitted.

**Holmes' Answer to Paragraph No. 16**

Denied.

**Holmes' Answer to Paragraph No. 17**

Denied.

**Holmes' Answer to Paragraph No. 18**

Denied.

**COUNT IV - Declaration of Noninfringement of the '855 Patent**

**Holmes' Answer to Paragraph No. 19**

Holmes incorporates by reference its answers to paragraphs 1-4 set forth above.

**Holmes' Answer to Paragraph No. 20**

Admitted.

**Holmes' Answer to Paragraph No. 21**

Denied.

**Holmes' Answer to Paragraph 22**

Denied.

**HOLMES' PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, Holmes prays for judgment against Defendant Focus as follows:

- A. Denial of Focus' Counterclaims and judgment for Holmes that the '483 and '855 patents are valid and enforceable;
- B. Judgment for Holmes on its cause of action for patent infringement;
- C. Preliminary and permanent injunction enjoining Focus, its officers, directors, agents, employees, and all those in active concert or participation with them who receive actual notice of the judgment by personal service or otherwise, from making, using, importing, offering for sale, and selling infringing programmable slow cookers and from otherwise infringing, contributing to infringement, and actively inducing infringement of the patents-in-suit.
- D. An award of compensatory and punitive damages to Holmes by reason of the wrongs committed by Focus, including an award of increased damages pursuant to 35 U.S.C. § 284, for defendant's willful and deliberate patent infringement.
- F. Judgment for Holmes that this is an exceptional case under Title 35, United States Code § 285 and awarding Holmes their reasonable attorney fees;

- G. An award of costs and interest on the damages so computed; and
- I. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

THE HOLMES GROUP, INC.  
By its Attorneys,

Dated: October 4, 2005

/s/ Glenn T. Henneberger  
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